

REMARKS

Reconsideration and withdrawal of the rejection in the outstanding Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

Summary of Amendment

In the present amendment, claims 6 and 18 are amended. Claims 1-5, 7-17, and 19-24 are canceled without prejudice to the claimed subject matter contained therein. Applicants reserve the right to pursue canceled subject matter in one or more continuation applications. Therefore, claims 1-3, 8-15, and 20-24 are pending in the application, with claims 1 and 13 being independent.

Applicants have amended the claims to more clearly recite the claimed subject matter. Support for the amendments are found in the application as filed. No new matter is added.

Allowable Subject Matter

Applicants acknowledge the Office's indication that claims 6-7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, as discussed below, and to include all of the limitations of the base claim and any intervening claims. Also, claims 18-19 are asserted by the Office to be

allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

In response, and in order to advance prosecution and without any acquiescence, Applicants have amended claim 6 and 18 to include the limitations of the base claim and any intervening claims. Claims 7 and 19 are canceled without prejudice to the claimed subject matter.

Claim Objections

Applicants express appreciation to the Examiner for entry of the Amendment filed March 14, 2005, and withdrawal of the objection to claims 1-3 and 6-12.

Response to 112, second paragraph Rejections

Claims 1-3 and 6-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention for the same reasons discussed in the Office Action dated December 15, 2004. The Office Action asserts that there is no active step for preparing a powder containing the physiologically active peptide despite the recitation in the preamble of a process for preparing a powder containing the physiologically active peptide. Applicants traverse the rejection for reasons of record, and as supplemented below.

In response, Applicants respectfully submit that the claims pending prior to the present amendment are definite and clearly define what Applicants consider to be their invention. However, in order to advance prosecution of the present application, and without acquiescence, Applicants have amended claim 6 to more positively recite the claimed process. Claims 1-3 and 7-12 are canceled without prejudice to the claimed subject matter.

Reconsideration and withdrawal of these rejections is respectfully requested.

Response to 103(a) Rejection

Claims 1-3, 5, 8-15, and 20-24 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,103,697 to Bergstrand et al. further in view of U.S. Patent No. 6,117,434 to Oyama et al. for the same reasons discussed in the Office Action dated December 15, 2004.

In response, and in order to advance prosecution of the present application, Applicants have canceled claims 1-3, 5, 8-15, and 20-24 without prejudice to the claimed subject matter.


Accordingly, Applicants respectfully submit that the rejection of claims 1-3, 5, 8-15, and 20-24 under 35 U.S.C. § 103(a) is rendered moot, and should be withdrawn.

CONCLUSION

For the reasons advanced above, Applicants respectfully submit that all pending claims patentably define Applicants' invention. Allowance of the application with early mailing of the Notices of Allowance and Allowability is therefore respectfully requested.

If the Examiner has any questions, or wishes to discuss this matter, the Examiner is respectfully invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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